# ADMINISTRATIVE DISCHARGE OVERVIEW

STAFF SERGEANT PARISE

# MISSION STATEMENT

**To provide expeditious support and expert advice in the processing of involuntary misconduct administrative separations**

# POC

- **Legal Admin Officer**
  - **1st Lieutenant Gruver**
  - **(928) 269-2891 or DSN 269-2891**

- **Legal Admin Chief**
  - **Staff Sergeant Parise**
  - **(928) 269-3485 or DSN 269-3485**

# REFERENCES

## Administrative Separations

- MCO P1900.16F (MARCORSEPMAN)
- AIR BASES ORDER 1910.1N w/Ch1 and 5800.4B
- MCO P1070.12J (IRAM)
- SECNAVINST 1920.6B (Officers)
- MILSPERMAN (NAVY)

# REFERENCES

- MCO P6100.12 - Physical fitness test and body composition program manual
- MCO 1000.10 - Marine Corps Substance Abuse Program
- MCO P1700.24B - Marine Corps Personal Services Manual
- MARADMINS - 451/02 and 259/02 Homosexual Conduct Policy

# INVOLUNTARY SEPARTAIONS

- The following must be processed through the G-1:
  - 6203 Convenience of the Government

    - 6203.1 Parenthood
      - Parental responsibilities interfere with effective performance of duty or prevent present or future worldwide assignment. MUST have a 6105 counseling entry before processing for administrative separation.

    - 6203.2 Physical Condition Not a Disability
      - Obesity, sleepwalking, allergies. This is not a medical discharge. MUST have a 6105 counseling entry before processing for administrative separation.

# INVOLUNTARY SEPARATIONS

**The following must be processed through the G-1:**

**6203.3 Personality Disorder**

- **Requires two forms of documentation: Diagnosis from a psychiatrist/psychologist and nonmedical evidence. MUST have a 6105 counseling entry before processing for administrative separation, unless psychiatrist/psychologist determines Marine an immediate danger to himself or others.**

**6206 Unsatisfactory Performance (Exception: Unless Marine has more than 6 years of Active Service, than process through JLC)**

- **6206.5a Unsanitary Habits**
  - **MUST have a 6105 counseling entry before processing for administrative separation.**

# INVOLUNTARY SEPARATIONS

- The following must be processed through the G-1:
  - 6206.5b Unsatisfactory Performance
    - Failure to make progress while on the weight control program, due to apathy/self-discipline. MUST have a 6105 counseling entry before processing for administrative separation.
  - 6209 Alcohol Rehabilitation Failure
    - Marine referred to rehab and fails treatment through refusal or inability to participate in the program.

# INVOLUNTARY SEPARATIONS

**The following must be processed through the G-1:**

- **6215 Weight Control/Body Composition Failure (Exception: Unless Marine has more than 6 years of Active Service, than process through JLC). MUST have a 6105 counseling entry before processing for administrative separation.**

**Exception: If respondent is being processed for any of these basis in addition to misconduct, than the package must be processed through the JLC**

# INVOLUNTARY SEPARATIONS

- The following must be processed through the Joint Law Center:
  - 6207 Homosexual Conduct
    - Commander may initiate a fact finding inquiry when he/she receives credible information that there is a basis for discharge. Determination is based on facts not just belief or suspicion.
  - 6210 Misconduct
    - 6210.2 Minor Disciplinary Infractions
      - Documented series of at least 3 minor disciplinary infractions during current enlistment which have/would have been disciplined at NJP. MUST have a 6105 counseling entry before processing for administrative separation.

# INVOLUNTARY SEPARATIONS

- The following must be processed through the Joint Law Center:
  - 6210.3 Pattern of Misconduct
    - Two minor or more serious infractions within one enlistment. Example: Established pattern of UA, failure to pay debts. MUST have a 6105 counseling entry before processing for administrative separation.
  - 6210.5 Drug Abuse
    - Illegal, wrongful, improper use, possession, sale, transfer, distribution, introduction of any controlled substance. IMMEDIATE/MANDATORY processing.

# INVOLUNTARY SEPARATIONS

- The following must be processed through the Joint Law Center:
  - 6210.6 Commission of a Serious Offense (To include Sexual Perversion)
    - Military/Civilian conviction is not required.
    - If IHCA contact JLC Director IMMEDIATELY for guidance.
  - 6210.7 Civilian Conviction (To include Sexual Perversion)
    - Civilian authorities have convicted Marine or taken action tantamount to a finding of guilty.
    - Related offense under UCMJ would result in punitive discharge.
    - Sentence by civilians results in confinement for 6 months or more.

# INVOLUNTARY SEPARATIONS

- The following must be processed through the Joint Law Center:
  - 6210.8 Sexual Harassment
    - IMMEDIATE/MANDATORY processing following first substantiated incident of sexual harassment.
    - Threats or attempts to influence, rewards, or physical contact of a sexual nature.
    - Incident is substantiated through a court-martial, NJP, or when commander determines it has occurred based on a preponderance of evidence.

# INVOLUNTARY SEPARATIONS

- The following must be processed through the Joint Law Center:
  - 6210.9 Participation in Supremacist or Extremist Organization
    - IMMEDIATE/MANDATORY processing following first substantiated incident.
    - Misconduct relates to illegal discrimination or advocated use of force/violence against Federal/State/Local government or agency thereof.
    - Incident is substantiated through court-martial conviction, NJP, or administrative separation board.

# INVOLUNTARY SEPARATIONS

- **Note**: Marines must be processed for all bases for which minimum criteria are met (MARCORSEPMAN para 6302.1)

# COUNSELING

- What is Marine Corps policy regarding counseling and rehabilitation?
  - Reasonable efforts at rehabilitation should be made before initiation of separation proceedings
- Unless separation is MANDATORY (Drug Abuse, Sexual Harassment, Participation in Supremacist or Extremist Organization), the potential for rehabilitation and further useful military service will be considered by the separation authority, and where applicable, the administrative board

# COUNSELING

- Pursuant to IRAM and MARCORSEPMAN the following 5 elements must be included:
  - Written notification concerning deficiencies or impairments;

1. Deficiencies: List the deficiencies for which the Marine was counseled (i.e., disorderly conduct; DUI on date; civilian arrest for reason on date, UA from appointed place of duty...).

# COUNSELING

2. <u>Corrective Action:</u> List what corrective action the Marine can take (i.e., follow rules and regulations; refrain from driving after consuming alcohol; obey civilian laws...).
3. <u>Assistance Available:</u> Tell the Marine where assistance is available to help him/her overcome their deficiencies (i.e., chain of command; SACO; unit chaplain; legal officer).
4. <u>Failure to Take Corrective Action:</u> Tell the Marine that if he does not correct this deficiency or if he/she violates the UCMJ in the future, he/she could face administrative discharge or judicial proceedings.

# COUNSELING

5. Written Rebuttal: Tell the Marine that he/she has the right to submit a written rebuttal to this counseling entry.

NOTE: 6105 Counseling Entry MUST be signed by the Commanding Officer

- Separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies. Reasonable opportunity must be determined by the Commanding Officer

# 6105 COUNSELING ENTRY

- "___Date_____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are _____ and to seek assistance, which is available through the chain of command and _____. Failure to take corrective action and any further violations of the UCMJ may result in judicial or adverse administrative action, including but not limited to administrative separation. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ _____

Signature of Marine Officer

Signature of Commanding

# 6105 CONT'D

- **Use this entry to document problems for a Marine who is currently being processed for administrative or judicial action.**

- **This is not a required entry however, it should be used to show the Marine has failed to overcome problems. It is used to further substantiate the basis.**

- **Only use this entry if you are going to process for separation. Not to be used as a threat.**

# 6105 CONT'D

- "____Date____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are _____ and to seek assistance, which is available through the chain of command and _____. I understand that I am being processed for the following judicial or adverse administrative action: _____. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ Signature of Marine

_____ Signature of Commanding Officer

# PROCEDURES NON-BOARD

- Assemble package
- Notify Respondent
- Respondent will take original Acknowledgement and copy of entire AdSep package to Defense Counsel for counseling.
- Forward the original plus one complete copy to Group for endorsement.
- Group will endorse the package and forward original plus one complete copy to JLC.
- JLC will prepare CG's endorsement and forward package to Miramar for CG's signature.
- Once signed by the CG, his endorsement will be faxed to the JLC and Unit.

# WHO RATES AN ADMIN BOARD?

- All Misconduct cases

- Marines with six or more years of active or inactive service who are being being processed for unsatisfactory performance or weight control failure.

# BOARD PROCEDURES

- Assemble package
- Notify Respondent
- Respondent will take original Acknowledgement and copy of entire AdSep package to Defense Counsel for counseling.
- Once Respondent requests an AdSep Board forward the original package to the JLC.
- You will need to provide 3 members for the AdSep Board, 1 O-4 or above, 1 commissioned or warrant officer, and 1 E-7 or above.
- The JLC will appoint counsel and a legal advisor.

# BOARD PROCEDURES

- The appointing order will be prepared by the JLC for the appropriate Commanding Officer's signature.

- NOTE:
  - Commanding Officer, Marine Aircraft Group 13 has been designated as the convening authority for all 3d Marine Aircraft Wing cases.

  - Commanding Officer, Marine Corps Air Station, Yuma has been designated as the convening authority for all Station cases.

# BOARD PROCEDURES

- Date, time, uniform of Board will be determined by the President of the Board.
- Upon completion of the Board, the JLC will prepare the report of the Board and forward for signatures.
- The unit will endorse the package and forwarded through the chain of command back to the JLC.
- CG's endorsements will be prepared by the JLC and the package will be sent to the CG for signature.
- Once signed by the CG, his endorsement will be faxed to the JLC and Unit.

# REQUIRED DOCUMENTS

- MCABWA
- Notification, Acknowledgment, BCNR
- Certified True Copy of the right side of the SRB
- Certified True Copy of DD 1966 (all pages)
- Current BIR/BTR/ROS
- OIC and SNCOIC Statements addressing Marines performance and conduct.
- Any/all documents that support the basis for discharge (drug lab message, police reports, SACC screening)

# PROCESSING TIME

- Processing is initiated on the date a command delivers a member notice of separation proceedings.

- Separation processing should be completed within 30 working days for non-board cases.

- Separation processing should be completed within 55 working days for board cases.

- Failure to complete action within the prescribed time does not bar separation.

# ADDITIONAL INFO

- Once a Marine has been notified that he is being processed for Administrative Separation he should be sent to medical for a separation physical and scheduled for TAP/TAMP classes.

- Drug cases containing a pretrial agreement "Summary court-martial waive the board" should immediately begin the Administrative Separation paperwork upon completion of the summary court-martial, while the Respondent is serving his sentence.

- Mandatory processing does not mean mandatory separation.

# COMMON ERRORS_

- Improper 6105. Failure to meet all of the requirements.
- 6105 Signed by someone other than the Commanding Officer.
- Notification fails to state the general basis, specific basis, and factual basis.
- Acknowledgment is dated prior to the Notification date.
- MCABWA is incomplete/inaccurate. Time lost does not reflect what is stated on the BIR and Page 3. Pro/Con are not current or they do not contain reduction marks.

# KEY POINTS

- Ensure you are giving proper 6105 entries for those basis that require them.
- Ensure that your notification and acknowledgement state the general, specific, and factual basis.
- Ensure the package is complete.
- MANDATORY Processing packages must be submitted IMMEDIATELY.

- Failure to complete all required documentation will result in unnecessary delays.

# QUESTIONS